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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,591	12/04/2001	Jader Pavanetto	2001-1467A	6362

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EXAMINER

MACKEY, JAMES P

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 07/07/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,591

Applicant(s)

PAVANETTO, JADER

Examiner

James Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The disclosure is objected to because of the following informalities: The specification should include a separate section (under the heading "Brief Description of the Drawings") that briefly describes each of the drawings separately.

Appropriate correction is required.

2. Applicant should provide appropriate headings for the instant specification. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "lower table" and "upper table" should be changed to --lower plate-- and --upper plate-- in order to provide proper antecedent basis for the subsequent recitations in the claims; line 3, "appropriate motion and position control means" is indefinite as to the scope of what is considered to be "appropriate"; line 9, "a hole extending throughout said lower plate" is unclear and indefinite as to whether "throughout" means that plural holes are provided in substantially all areas of the lower plate, or is a single hole provided to extend through the lower plate; lines 9-10, "said vertically sliding guide column" lacks proper antecedent basis since the guide column has not been set forth as vertically sliding (line 8 recites that a piston slides within the hollow cylinder, but does not explicitly refer to the guide column as sliding); line 17, "the latter" should be --said piston-- for clarity; line 18, "plunger-type" is of indefinite scope, since it is unclear as to exactly how the suffix "type" modifies the scope of a plunger (note *Ex parte Copenhaver*, 109 USPQ 118, wherein the word "type", when appended to an otherwise definite expression, was found to be indefinite); and line 19, "said piston" is indefinite as to which of the two pistons is being referred to (for purposes of examination, it will be interpreted as the "plunger-type piston").

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In claim 2, line 3, "the piston" and line 4, "said piston" are indefinite as to which of the two pistons is being referred to (for purposes of examination, it will be interpreted as the piston of the hollow cylinder).

In claim 3, line 2, "the piston" is indefinite as to which of the two pistons is being referred to (for purposes of examination, it will be interpreted as the piston of the hollow cylinder).

In claims 5 and 9-11, line 4, the use of "preferably" renders the claim of indefinite scope, since it is unclear whether the subsequent recitation of the frusto-conical crown-like ring is in fact a claim limitation (especially in view of the frusto-conical shape of the upper portion of the plunger-type piston).

In claims 7 and 18-32, line 4, the use of "preferably" renders the claim of indefinite scope, since it is unclear whether the subsequent recitation of the external conduit is in fact a claim limitation.

In claims 12, 14 and 16, "said bottom wall" lacks proper antecedent basis and therefore what is being claimed is indefinite (the limitation is recited in claim 3, but claims 12, 14 and 16 do not depend, either directly or indirectly, from claim 3).

5. Claims 1-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The prior art of record does not teach or fairly suggest a hydraulic press apparatus including upper and lower plates, the upper plate being vertically driven by motion and position control means, a hollow cylinder fixed to the lower surface of the lower plate, a vertically sliding guide column connected at the top to the upper plate and extending through a hole in the lower

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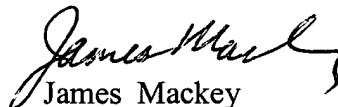
plate, the lower end portion of the guide column forming the rod of a piston slidably positioned in the hollow cylinder, the piston and hollow cylinder defining an inner volume above the piston in communication with hydraulic means, the guide column being provided with an inner cylindrical cavity extending into the piston and through the piston at its lower end portion, a plunger piston slidable within the inner cylindrical cavity and having an upper cylindrical portion of a diameter to plug the inner cylindrical cavity and a lower portion of smaller diameter, and a through-bore for enabling the inner cylindrical cavity to communicate with the inner volume when the upper cylindrical portion of the plunger piston is situated under the level of the through-bore, as claimed in claim 1.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 703-308-1195. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


James Mackey
Primary Examiner
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6/30/03

jpm
June 30, 2003